

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|-----------------------|
| Eliakim Shabazz, #190455, a/k/a |) | |
| Maurice Edwards, |) | C/A No. 4:07-2626-MBS |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| Officer NFN Andrews, Mailroom Clerk at |) | |
| Kirkland C.I.; Mrs. NFN Freeman, |) | O R D E R |
| Mailroom Clerk at Allendale C.I.; NFN |) | |
| Derrick, Nurse, Allendale C.I.; NFN |) | |
| Byrne, Doctor, Allendale C.I.; D. McClary, |) | |
| Dental Assistant, Lee C.I.; Ms. NFN |) | |
| Ritzon, Mailroom Clerk at Lee C.I.; |) | |
| Department of Corrections Mail Services |) | |
| at Kirkland C.I.; Department of Corrections |) | |
| Mail Services at Allendale C.I.; |) | |
| Department of Corrections Mail Services |) | |
| at Lee C.I.; Dental Services at Allendale |) | |
| C.I.; Dental Services at Lee C.I.; Medical |) | |
| Services o Allendale C.I.; and Warden A.J. |) | |
| Padula of Lee C.I., |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Eliakim Shabazz is an inmate in custody of the South Carolina Department of Corrections. Plaintiff, proceeding pro se, filed a complaint on August 31, 2007, alleging that his constitutional rights have been violated in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. On September 5, 2007, the Magistrate Judge issued a Report and Recommendation in

which he recommended that Defendants Department of Corrections Mail Services at Kirkland C.I., Department of Corrections Mail Services at Allendale C.I., Department of Corrections Mail Services at Lee C.I., Dental Services at Allendale C.I., and Dental Services at Lee C.I. be summarily dismissed because they are not “persons” within the meaning of § 1983. Plaintiff filed objections to the Report and Recommendation on September 25, 2007 (Entry 25), October 23, 2007 (Entry 26), and October 25, 2007 (Entry 27).

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff’s objections reiterate and supplement the claims in his complaint. Plaintiff does not direct the court’s attention to any error in the Report and Recommendation with respect to dismissing Defendants Department of Corrections Mail Services at Kirkland C.I., Department of Corrections Mail Services at Allendale C.I., Department of Corrections Mail Services at Lee C.I., Dental Services at Allendale C.I., and Dental Services at Lee C.I. The court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge’s proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). The court has carefully reviewed the record and agrees with the Magistrate Judge that Defendants Department of Corrections Mail Services at Kirkland C.I.,

Department of Corrections Mail Services at Allendale C.I., Department of Corrections Mail Services at Lee C.I., Dental Services at Allendale C.I., and Dental Services at Lee C.I. should be summarily dismissed because they are not “persons” within the meaning of § 1983. For the same reason, the court summarily dismisses Defendant Medical Services of Allendale C.I.

The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 14, 2008